

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00568-CRC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
AGRICULTURE et al
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 03/14/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Daniel Alexander McGrath**
AMERICAN OVERSIGHT
1030 15th Street, NW
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Washington, DC 20005
(202) 897-4213
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ATTORNEY TO BE NOTICED

Sara Kaiser Creighton
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V.

Defendant

**U.S. DEPARTMENT OF
AGRICULTURE**

represented by **Joshua M. Kolsky**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

represented by **Joshua M. Kolsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Joshua M. Kolsky**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
EDUCATION**

represented by **Joshua M. Kolsky**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

U.S. DEPARTMENT OF ENERGY

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**U.S. GENERAL SERVICES
ADMINISTRATION**

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Joshua M. Kolsky**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
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Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
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Defendant

U.S. DEPARTMENT OF LABOR

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**U.S. DEPARTMENT OF
TRANSPORTATION**

represented by **Joshua M. Kolsky**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Joshua M. Kolsky**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

represented by

**U.S. DEPARTMENT OF VETERANS
AFFAIRS****Joshua M. Kolsky**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****OFFICE OF MANAGEMENT AND
BUDGET**represented by **Joshua M. Kolsky**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****U.S. DEPARTMENT OF STATE**represented by **Joshua M. Kolsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 03/14/2018 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5373310) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Summons as to USAO, # <u>3</u> Summons as to AG, # <u>4</u> Summons as to USDA, # <u>5</u> Summons as to Commerce, # <u>6</u> Summons as to DOD, # <u>7</u> Summons as to Education, # <u>8</u> Summons as to DOE, # <u>9</u> Summons as to GSA, # <u>10</u> Summons as to HHS, # <u>11</u> Summons as to DHS, # <u>12</u> Summons as to DOI, # <u>13</u> Summons as to DOJ, # <u>14</u> Summons as to DOL, # <u>15</u> Summons as to DOT, # <u>16</u> Summons as to Treasury, # <u>17</u> Summons as to VA, # <u>18</u> Summons as to OMB, # <u>19</u> Summons as to State, # <u>20</u> Civil Cover Sheet)(Creighton, Sara) (Entered: 03/14/2018) |
| 03/14/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 03/14/2018) |
| 03/14/2018 | | Case Assigned to Judge Christopher R. Cooper. (zmd) (Entered: 03/14/2018) |
| 03/19/2018 | <u>3</u> | SUMMONS (18) Issued Electronically as to OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 03/19/2018) |
| 05/01/2018 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/9/2018. (Answer due for ALL FEDERAL DEFENDANTS by 5/9/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/29/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 3/29/2018; U.S. DEPARTMENT OF AGRICULTURE served on 3/28/2018; U.S. DEPARTMENT OF COMMERCE served on 3/28/2018; U.S. DEPARTMENT OF DEFENSE served on 3/28/2018; U.S. DEPARTMENT OF EDUCATION served on 3/28/2018; U.S. DEPARTMENT OF ENERGY served on 3/28/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 3/28/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 3/28/2018; U.S. DEPARTMENT OF JUSTICE served on 3/29/2018; U.S. DEPARTMENT OF LABOR served on 3/28/2018; U.S. DEPARTMENT OF STATE served on 3/29/2018; U.S. DEPARTMENT OF THE INTERIOR served on 3/27/2018; U.S. DEPARTMENT OF THE TREASURY served on 3/29/2018; U.S. DEPARTMENT OF TRANSPORTATION served on 4/19/2018; U.S. DEPARTMENT OF VETERANS AFFAIRS served on 3/29/2018; U.S. |

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| | | GENERAL SERVICES ADMINISTRATION served on 3/28/2018 (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 05/01/2018) |
| 05/09/2018 | <u>5</u> | NOTICE of Appearance by Joshua M. Kolsky on behalf of All Defendants (Kolsky, Joshua) (Entered: 05/09/2018) |
| 05/09/2018 | <u>6</u> | MOTION to Sever <i>Claims</i> , MOTION to Stay <i>Defendants' Response to Complaint</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 05/09/2018) |
| 05/22/2018 | <u>7</u> | Memorandum in opposition to re <u>6</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Defendants' Response to Complaint</i> filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Creighton, Sara) (Entered: 05/22/2018) |
| 05/29/2018 | <u>8</u> | REPLY to opposition to motion re <u>6</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Defendants' Response to Complaint</i> filed by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 05/29/2018) |
| 05/31/2018 | | MINUTE ORDER granting <u>6</u> Defendants' Motion to Stay. Defendants' response to the complaint shall be due 30 days after the Court rules on Defendants' pending motion to sever. Signed by Judge Christopher R. Cooper on 5/31/2018. (lccrc2) (Entered: 05/31/2018) |
| 06/04/2018 | <u>9</u> | NOTICE OF SUPPLEMENTAL AUTHORITY by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 06/04/2018) |
| 06/04/2018 | 10 | Memorandum in opposition to re <u>6</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Defendants' Response to Complaint</i> filed by AMERICAN OVERSIGHT; (See docket entry no. <u>9</u> to view.) (ztd) (Entered: 06/05/2018) |
| 06/05/2018 | | MINUTE ORDER denying <u>6</u> Defendants' Motion to Sever. For the reasons stated in Chief Judge Howell's opinion in American Oversight v. U.S. Department of Veterans Affairs, 2018 WL 2582793 (D.D.C. June 2, 2018), the Court will deny Defendants' motion to sever. Defendants' response to the complaint shall be due by July 5, 2018. Signed by Judge Christopher R. Cooper on 6/5/2018. (lccrc2) (Entered: 06/05/2018) |
| 06/06/2018 | | Set/Reset Deadlines: Answer due by 7/5/2018 (lsj) (Entered: 06/06/2018) |
| 07/05/2018 | <u>11</u> | NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Main Document 11 replaced on 7/12/2018) (ztd). (Entered: 07/05/2018) |
| 07/05/2018 | <u>12</u> | ANSWER to Complaint by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF |

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| | | TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION.(Kolsky, Joshua) (Entered: 07/05/2018) |
| 07/06/2018 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by July 27, 2018. Signed by Judge Christopher R. Cooper on 7/6/2018. (lccrc2) (Entered: 07/06/2018) |
| 07/06/2018 | | Set/Reset Deadlines: Proposed Briefing Schedule due by 7/27/2018 (lsj) (Entered: 07/06/2018) |
| 07/27/2018 | <u>13</u> | Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 07/27/2018) |
| 07/31/2018 | | MINUTE ORDER: In light of <u>13</u> the parties' joint status report, the parties are directed to file a further joint status report by October 8, 2018 updating the Court on the status of production and proposing a further schedule for production and, if applicable, briefing. Signed by Judge Christopher R. Cooper on 7/31/2018. (lccrc2) (Entered: 07/31/2018) |
| 07/31/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/8/2018. (znbn) (Entered: 07/31/2018) |
| 10/08/2018 | <u>14</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 10/08/2018) |
| 10/09/2018 | <u>15</u> | Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 10/09/2018) |
| 10/10/2018 | | MINUTE ORDER: In light of the parties' <u>15</u> joint status report, the parties shall file an updated joint status report on or before November 9, 2018. Signed by Judge Christopher R. Cooper on 10/10/2018. (lccrc2) (Entered: 10/10/2018) |
| 10/10/2018 | | Set/Reset Deadlines: Joint Status Report due by 11/9/2018. (znbn) (Entered: 10/11/2018) |
| 11/09/2018 | <u>16</u> | Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. GENERAL SERVICES ADMINISTRATION. (Kolsky, Joshua) (Entered: 11/09/2018) |

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| 11/14/2018 | | MINUTE ORDER: In light of the parties' <u>16</u> joint status report, the parties shall file an updated joint status report on or before December 20, 2018. Signed by Judge Christopher R. Cooper on 11/14/2018. (lccrc2) (Entered: 11/14/2018) |
| 11/15/2018 | | Set/Reset Deadlines: Joint Status Report due by 12/20/2018 (lsj) (Entered: 11/15/2018) |
| 12/20/2018 | <u>17</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 12/20/2018) |
| 12/24/2018 | | MINUTE ORDER: In light of the parties' <u>17</u> joint status report, the parties shall file an updated joint status report on or before February 8, 2019. Signed by Judge Christopher R. Cooper on 12/24/2018. (lccrc2) (Entered: 12/24/2018) |